

Farm Service Agency, USDA

§ 723.501

who is determined by FSA to have knowingly:

(1) Adopted any scheme or device which tends to defeat the purpose of the tobacco program.

(2) Made any fraudulent representation,

(3) Misused a MQ-76 or MQ-79-2, or

(4) Sold excess tobacco, shall pay a marketing quota penalty as prescribed in this part.

[55 FR 39914, Oct. 1, 1990, as amended at 56 FR 21444, May 9, 1991]

§ 723.415 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining the information required to be furnished, in any report, but not so furnished, any warehouse operator, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, stemming, picking, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State FSA executive director and by employees of the Office of Investigation and Office of Audit, and of the Tobacco and Peanuts Division of the Farm Service Agency, U.S. Department of Agriculture upon written request by the State FSA executive director, all such books, papers, records, lot tickets, tobacco sale bills, buyer adjustment invoices, accounts, canceled checks, check register, check stubs, correspondence, contracts, documents, warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ-72-1, Report of Tobacco Auction Sale, journal of producer marketing cards retained at warehouse and memoranda as the State FSA executive director has reason to believe are relevant and are within the control of such person.

§ 723.416 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of this subpart shall be kept confidential by all officers and community committees, and all county FSA office employees. Only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them, and then only in a suit

or administrative hearing under title III of the Act. The provisions of this section shall not be deemed to prohibit the issuance of general statements based upon the report of a number of parties which statements do not identify the information furnished by any person.

Subpart E—Domestically Produced Cigarettes

SOURCE: 59 FR 28210, June 1, 1994, unless otherwise noted.

§ 723.501 Definitions.

In addition to the definitions set forth at § 723.104, the definitions set forth in this section shall be applicable for purposes of administering the provisions of this subpart.

FSA. The USDA's Farm Service Agency.

CCC. The Commodity Credit Corporation, an instrumentality of the USDA.

Covered cigarettes. Cigarettes produced in the United States.

Director. Except with respect to references to the National Appeals Division of FSA, the Director of the Tobacco and Peanuts Division, or the successor to the Director.

Domestic assessment use shortage. For any domestic manufacturer, the domestic assessment use shortage shall be, as determined by the Director, the amount, converted to pounds, by which, for the relevant calendar year, domestic tobacco use for covered cigarettes produced by the manufacturer was less than the amount which, as a percentage of total tobacco use for these cigarettes, would have equaled the domestic content nonassessment percentage.

Domestic content nonassessment percentage. The domestic content nonassessment percentage shall be 75 percent unless otherwise specified in this subpart.

Domestic manufacturer. A domestic manufacturer of cigarettes.

Domestic manufacturer of cigarettes. A person who, as determined by the Director, produces and sells more than 1 percent of the cigarettes produced and sold in the United States.